IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 22032 of 2007(W)

PETITIONER:

P.P.SHIJU, S/O. PADMANABHAN,
AGED 34 YEARS, PUTHENPURAYIL HOUSE, PUTHUKAD,
THATTAMPADI, NORTH PARAVUR, ERNAKULAM DISTRICT.

BY ADV. SRI.BIJIMON C.CHERIAN
SRI.ARUL KUMAR.P

RESPONDENTS:

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1. THE DIRECTOR,
L.B.S. CENTER FOR SCIENCE AND TECHNOLOGY,
EXTRA POLICE ROAD, NANDAVANAM,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF TECHNICAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

3. DAVID SOLOMON,
DEPUTY DIRECTOR, OFFICE OF THE DIRECTOR OF
TECHNICAL EDUCATION, PADMAVILASAM ROAD,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.B.SURESH KUMAR SC, LBS CENTRE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.22032 OF 2007

Dated this the 6th day of August, 2007

JUDGMENT

Petitioner is a senior Lecturer in the Electronics and Communications Engineering Department of LBS College of Engineering at Kasargod. According to the petitioner, he had joined service in the year 1998 and he became senior Lecturer in the year 2006. It is further contended by the petitioner that he had become qualified to be promoted as Assistant Professor in the year 2004 itself and therefore in response to a notification issued by the respondent no.1 on January 19, 2004 he had applied for the above post. But no action was taken by respondent no.1 to finalise the process of selection. Therefore in May 2007, petitioner had requested respondent no.1 to take necessary action. It is further submitted that there are two colleges under the Centre – one at Kasargod and other at Thiruvananthapuram and certain vacancies of Assistant Professor are available in these two colleges. The primary prayer in the writ petition is to issue a writ of mandamus or such other appropriate writ or direction to

respondent no.1 to consider the petitioner for the post of Assistant Professor. There is a further prayer to issue a direction to disburse the allowance payable to him for the additional duties performed from December 2003 to December 2005 and also from August 2006 onwards as Head of Department.

2. Sri.P.B.Suresh Kumar, learned Standing Counsel for respondent no.1, after getting instructions, submits that the apprehension of the petitioner that respondent no.1 is likely to bring in respondent no.3 on deputation as Associate Professor is not entirely correct. He submits that six vacancies of Associate Professor are available in the two colleges referred to above. Steps had already been initiated to finalise the process of selection pursuant to the notification in the year 2004. Only four applications including that of the petitioner were received in response to the said notification. The selection process will be completed on or before October 31, 2007. Further, the other two vacancies will also be notified immediately. Even assuming the proposal of respondent no.1 to bring in deputationists to fill up the remaining two vacancies of Associate Professor is likely to be

implemented, the interest of the petitioner or the other three applicants is not likely to be in jeopardy, it is contended by the learned Standing Counsel.

3. At this juncture, learned counsel for the petitioner points out that recently respondent no.1 had notified vacancies of Librarians, Professors and Principals. But significantly vacancies of Assistant Professor were not notified. It was in the above circumstances that the petitioner had apprehended that respondent no.1 was likely to bring in outsiders on deputation basis to fill up the vacancies of Assistant Professor. Respondent no.3 was impleaded, since his name was in circulation.

4. Anyhow, I do not find any reason why respondent no.1 should resort deputation. It will be only appropriate, if respondent no.1 notifies the available remaining vacancies also, so that other eligible candidates will get an opportunity to apply for the post. Anyhow, in the peculiar facts and circumstances, I am satisfied that this writ petition can be disposed of with the following directions.

5. Respondent no.1 shall, in compliance of the submission made by the learned Standing Counsel, complete the process of selection and fill up the vacancies of Assistant Professor pursuant to the notification issued in the year 2004 on or before October 31, 2007. Respondent no.1 shall further notify the remaining vacancy, if any, of Assistant Professor immediately after completion of the selection process referred to above.

6. As regards the disbursement of allowance for the additional duties allegedly performed by the petitioner, it is brought to my notice that petitioner has preferred Ext.P2 representation before respondent no.1. An appropriate decision thereon shall be taken by respondent no.1 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment after affording sufficient opportunity of hearing to the petitioner.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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